

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 33. BOARD OF EXAMINERS FOR NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS**

Authority: A.R.S. § 36-446.03(A)

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Article 2, consisting of Sections R4-33-201 through R4-33-216, renumbered from R4-33-115 through R4-33-130 effective November 25, 1992 (Supp. 92-4).

Article 2, consisting of Sections R4-33-201 through R4-33-216, renumbered by emergency action from R4-33-115 through R4-33-130 effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 2, consisting of Sections R4-33-201 through R4-33-216, renumbered by emergency action from R4-33-115 through R4-33-130 effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 2, consisting of Sections R4-33-201 through R4-33-216, renumbered by emergency action from R4-33-114 through R4-33-124 and R4-33-126 through R4-33-130 effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 2, consisting of Sections R4-33-201 through R4-33-216, renumbered by emergency action from R4-33-114 through R4-33-124 and R4-33-126 through R4-33-130 effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Article 2, consisting of Sections R4-33-201 through R4-33-215, renumbered by emergency action from R4-33-114 through R4-33-124 and R4-33-127 through R4-33-130 effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2).

Section	
R4-33-201.	Initial Application
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R4-33-210.	Restoration of Revoked License
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R4-33-214.	Criteria for Continuing Education
R4-33-215.	Renumbered
R4-33-216.	Renumbered

ARTICLE 3. ADMINISTRATOR IN TRAINING PROGRAM

Article 3, consisting of Sections R4-33-301 through R4-33-312 renumbered to Article 4, Sections R4-33-401 through R4-33-412; new Article 3, consisting of Sections R4-33-301 through R4-33-303, adopted effective January 15, 1999 (Supp. 99-1).

Article 3, consisting of Sections R4-33-301 through R4-33-312, adopted permanently effective November 25, 1992 (Supp. 92-4).

Article 3, consisting of Sections R4-33-301 through R4-33-311, adopted by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 3, consisting of Sections R4-33-301 through R4-33-311, adopted by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 3, consisting of Sections R4-33-301 through R4-33-311, adopted by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 3, consisting of Sections R4-33-301 through R4-33-311, adopted by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Article 3, consisting of Sections R4-33-301 through R4-33-312, adopted by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2).

Section	
R4-33-301.	Administrator in Training Program Requirements
R4-33-302.	Preceptor Qualifications and Responsibilities
R4-33-303.	Administrator in Training
R4-33-304.	Renumbered
R4-33-305.	Renumbered
R4-33-306.	Renumbered
R4-33-307.	Renumbered
R4-33-308.	Renumbered
R4-33-309.	Renumbered
R4-33-310.	Renumbered
R4-33-311.	Renumbered

R4-33-312. Renumbered

ARTICLE 4. ASSISTED LIVING FACILITY MANAGER CERTIFICATION

Article 4, consisting of Sections R4-33-401 through R4-33-412 renumbered from Article 3, Sections R4-33-301 through R4-33-312, effective January 15, 1999 (Supp. 99-1).

Section

- R4-33-401. Training Program Requirements
- R4-33-402. Eligibility for Initial Certification
- R4-33-403. Initial Application
- R4-33-404. Examination
- R4-33-405. Repealed
- R4-33-406. Renewal Application
- R4-33-407. Standards of Conduct; Suspension or Revocation
- R4-33-408. Criteria for Continuing Education
- R4-33-409. Display of Certificate
- R4-33-410. Temporary Certificates
- R4-33-411. Denial of Certificate
- R4-33-412. Rehearing or Review of Decision

ARTICLE 1. GENERAL

R4-33-101. Definitions

In this Article, unless otherwise specified:

1. "Accredited" means authorized by the North Central Association of Colleges and Secondary Schools, New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools or Western Association of Schools and Colleges.
2. "Administrator in training" or "AIT" means a person who is taking an NAB-approved program of training to be licensed as an administrator for a nursing care institution.
3. "AIT Program" means an NAB-approved training program lasting not less than 20 weeks nor more than 52 weeks, at 40 hours per week, conducted as an educational experience in a licensed nursing care institution.
4. "ACHCA Certified" means having evidence of completing the Professional Certification Program administered by the American College of Health Care Administrators.
5. "AzACHCA" means the Arizona chapter of the American College of Health Care Administrators.
6. "Contact hour" means an hour during which an administrator or manager is physically present at an instructional activity that is to be used for either continuing education credit or initial training credit required for adult care home managers.
7. "Good standing" means that a nursing care institution administrator is the holder of a current and valid license, not subject to any disciplinary action or consent order, and not currently under investigation for alleged unprofessional conduct.
8. "NAB" means the National Association of Board of Examiners for Nursing Home Administrators.
9. "Preceptor" means a practicing nursing care institution administrator who undertakes the role of teacher through the tutorial process, has taken a board-approved preceptor training course, and helps to develop a new professional in the field of long-term care administration.
10. "Program Advisory Committee" means the group comprised of practicing nursing care administrators that provides oversight to AITs and ensures the application of uniform training standards and guidelines outlined in the NAB-approved AIT Program.
11. "Qualified instructor" means a person who meets one or more of the following criteria:
 - a. A registered nurse, licensed under A.R.S. Title 32, Chapter 15;
 - b. An instructor employed by an accredited junior college, university program, or health care institution to teach health-care related courses; or
 - c. A person or entity who possesses a combination of education and training equivalent to the qualifications listed above.
12. "Training program" means an educational syllabus approved by the Board of Examiners of Nursing Care Institution Administrators and Assisted Living Facility Managers in accordance with the requirements of A.R.S. § 36-446.04(A)(2) and (B)(2).

Historical Note

Section R4-33-101 renumbered from R4-33-112 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-102. Board Officers

- A. At its first annual meeting, the Board shall elect from among its membership a president, vice-president, and secretary-treasurer.
- B. The functions, duties and limitations of these officers are as follows:
 1. President. The president shall call and preside at all Board meetings. The president shall act as chief officer of the Board, appoint committees, and delegate authority to other members of the Board as needed.
 2. Vice-president. The vice-president shall preside at Board meetings in the absence of the president and may exercise all the powers and duties of the president in the absence of the president.
 3. Secretary-treasurer. The secretary-treasurer shall prepare and maintain minutes of all meetings, monitor the attendance of members and keep account of all monies that are collected and disbursed by the Board.
- C. Board officers shall serve for a term of one year. No officer may serve more than two consecutive terms.

Historical Note

Section R4-33-102 renumbered from R4-33-113 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-103. Time-frames for Licenses, Certifications, and Approvals

- A. For each type of license, certification, approval, or renewal of license or certification issued by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1.
- B. For each type of license, certification, approval, or renewal of license or certification issued by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1 and begins on the date the Board receives an application and required documents and information.
 1. If the application and documents are not administratively complete, the Board shall send to an applicant a deficiency notice.
 - a. The deficiency notice shall state each deficiency and the information needed to complete the application and documents.
 - b. Within the time provided in Table 1 for response to the deficiency notice, beginning on the mailing date of the deficiency notice, the applicant shall submit to the Board the missing information specified in the

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deficiency notice. The time-frame for the Board to finish the administrative completeness review is suspended from the date the Board mails the deficiency notice to the applicant until the date the Board receives the missing information.

2. If the application is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
 3. If the application and submitted documents are not completed within the time provided to respond to the deficiency notice, the Board shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn.
- C.** For each type of license, certification, approval, or renewal of license or certification issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Board sends written notice of administrative completeness to the applicant.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information. Within the time provided in Table 1 for response to a comprehensive written request for additional information, beginning on the mailing date of the comprehensive written request for additional information, the applicant shall submit to the Board the requested additional information. The time-frame for the Board to finish the substantive review is suspended from the date the Board mails the comprehensive written request for additional information to the applicant until the Board receives the requested additional information.
 2. The Board shall issue a written notice of denial of license or renewal of license if the Board determines that the applicant does not meet all of the substantive criteria required by statute and this Chapter for licensing, certification, approval, or renewal of license or certification.
 3. The Board shall issue a written notice informing the applicant that the application is deemed withdrawn if the applicant does not submit requested additional information within the time-frame in Table 1.
 4. If the applicant meets all of the substantive criteria required by statute and this Chapter for license, certification, approval, or renewal of license or certification, the Board shall issue the license, certification, approval, or renewal of license or certification to the applicant.
- D.** In computing any period of time prescribed in this Section, the day of the act, event or default after which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not Saturday, Sunday, or a state holiday. The computation shall include intermediate Saturdays, Sundays, and state holidays. The time period shall begin on the date of personal service, date shown as received on a certified mail receipt, or postmark date.

Historical Note

Section R4-33-103 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-104. Fees

- A.** For nursing care institution administrators, the Board shall charge the following fees, which are nonrefundable unless A.R.S. § 41-1077 applies:
1. Initial application, \$100
 2. Examination, \$500
 3. Readministering state examination, \$150
 4. Issuance of a license, \$260

5. Duplicate license, \$50
6. Biennial active license renewal, \$300
7. Biennial inactive license renewal, \$100
8. Late renewal penalty, \$50
9. Temporary license, \$250
10. Certifying licensure status, \$10
11. Review sponsor's continuing education program, \$20.

- B.** For assisted living facility managers, the Board shall charge the following fees, which are nonrefundable unless A.R.S. § 41-1077 applies:

1. Initial application, \$100
2. Examination, \$100
3. Readministering state examination, \$100
4. Issuance of a certificate, \$100
5. Duplicate certificate, \$50
6. Biennial certificate renewal, \$100
7. Late renewal penalty, \$50
8. Temporary certificate, \$50
9. Review sponsor's continuing education program, \$20.

- C.** If the Board approves an applicant for a license and issues a license to the applicant for less than the biennial license period, the applicant shall submit to the Board \$11 for each month remaining in the licensure period.

- D.** If the Board approves an applicant for a certificate and issues a certificate for less than the biennial certificate period, the applicant shall submit to the Board \$4 for each month remaining in the certificate period.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 805, effective April 13, 2004 (Supp. 04-1).

R4-33-105. Reserved

R4-33-106. Reserved

R4-33-107. Reserved

R4-33-108. Reserved

R4-33-109. Reserved

R4-33-110. Reserved

R4-33-111. Repealed

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-111 renumbered as Section R4-33-111 (Supp. 82-1). Emergency amendment effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Emergency repeal adopted effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency repeal adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency repeal adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency repeal adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency expired. Section repealed by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-112. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Amended effective July 24, 1978 (Supp. 78-4). Former Section R4-33-112 renumbered and amended as Section R4-33-112 (Supp. 82-1). Emergency amendments effective

tive June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-1). Emergency expired. Amended effective August 6, 1991 (Supp. 91-3). Emergency amendments effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency amendments adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency amendments adopted again with changes effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency amendments adopted again with changes effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Amended with changes effective November 25, 1992 (Supp. 92-4). Final Section R4-33-112 renumbered to R4-33-101 at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-113. Renumbered

Historical Note

Adopted effective July 24, 1978 (Supp. 78-4). Former Section R4-33-13 renumbered as Section R4-33-113 (Supp. 82-1). Final Section R4-33-113 renumbered to R4-33-102 at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-114. Repealed

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-14 renumbered and amended as Section R4-33-114 (Supp. 82-1). Section R4-33-114 renumbered by emergency action to R4-33-201 effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Repealed effective August 6, 1991 (Supp. 91-3).

R4-33-115. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-15 renumbered and amended as Section R4-33-115 (Supp. 82-1). Section R4-33-115 renumbered to R4-33-202 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-3). Amended effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-115 renumbered to R4-33-201 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-115 renumbered to R4-33-201 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-115 renumbered to R4-33-201 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-115 renumbered to R4-33-201 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-115 renumbered to R4-33-201 effective November 25, 1992 (Supp. 92-4).

R4-33-116. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-16 renumbered as Section R4-33-116 (Supp. 82-1). Section R4-33-116 renumbered to R4-33-203 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-116 renumbered to R4-33-202 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-116 renumbered to R4-33-202 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-116 renumbered to R4-33-203 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-116 renumbered to R4-33-204 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-116 renumbered to R4-33-204 effective November 25, 1992 (Supp. 92-4).

ant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-116 renumbered to R4-33-202 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-116 renumbered to R4-33-202 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-116 renumbered to R4-33-202 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-116 renumbered to R4-33-202 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-116 renumbered to R4-33-202 effective November 25, 1992 (Supp. 92-4).

R4-33-117. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-17 renumbered and amended as Section R4-33-117 (Supp. 82-1). Section R4-33-117 renumbered to R4-33-204 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-117 renumbered to R4-33-203 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-117 renumbered to R4-33-203 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-117 renumbered to R4-33-203 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-117 renumbered to R4-33-203 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-117 renumbered to R4-33-203 effective November 25, 1992 (Supp. 92-4).

R4-33-118. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-18 renumbered as Section R4-33-118 and repealed effective February 10, 1982 (Supp. 82-1). Section R4-33-118 renumbered to R4-33-205 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). New Section R4-33-118 adopted effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-118 renumbered to R4-33-205 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Section R4-33-118 renumbered to R4-33-204 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-118 renumbered to R4-33-204 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-118 renumbered to R4-33-204 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-118 renumbered to R4-33-204 effective November 25, 1992 (Supp. 92-4).

R4-33-119. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Amended effective July 24, 1978 (Supp. 78-4). Former Section R4-33-19 renumbered as Section R4-33-119 and repealed, new Section R4-33-119 adopted effective February 10, 1982 (Supp. 82-1). Amended effective May 2, 1984 (Supp. 84-3). Amended as an emergency effective October 2, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-4). Emergency expired. Emergency amendments readopted without change effective January 3, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency amendments readopted without change effective April 3, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days; amended effective June 14, 1990 (Supp. 90-2). Section R4-33-119 renumbered to R4-33-206 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-119 renumbered to R4-33-206 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-119 renumbered to R4-33-205 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-119 renumbered to R4-33-205 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-119 renumbered to R4-33-205 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-119 renumbered to R4-33-205 effective November 25, 1992 (Supp. 92-4).

R4-33-120. Renumbered**Historical Note**

Adopted effective October 12, 1976 (Supp. 76-5). Amended effective July 24, 1978 (Supp. 78-4). Former Section R4-33-20 renumbered and amended as Section R4-33-120 (Supp. 82-1). Amended effective August 6, 1991 (Supp. 91-3). Section R4-33-120 renumbered to R4-33-207 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Amended effective August 6, 1991 (Supp. 91-3). Section R4-33-120 renumbered to R4-33-207 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-120 renumbered to R4-33-206 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-120 renumbered to R4-33-206 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-120 renumbered to R4-33-206 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-120 renumbered to R4-33-206 effective November 25, 1992 (Supp. 92-4).

R4-33-121. Renumbered**Historical Note**

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-21 renumbered and amended as Section R4-33-121 (Supp. 82-1). Section R4-33-121 renumbered to R4-33-208 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90

days (Supp. 91-2). Emergency expired. Section R4-33-121 renumbered to R4-33-208 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-121 renumbered to R4-33-207 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-121 renumbered to R4-33-207 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-121 renumbered to R4-33-207 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-121 renumbered to R4-33-207 effective November 25, 1992 (Supp. 92-4).

R4-33-122. Renumbered**Historical Note**

Adopted effective July 24, 1978 (Supp. 78-4). Former Section R4-33-22 renumbered as Section R4-33-122 (Supp. 82-1). Section R4-33-122 renumbered to R4-33-209 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-122 renumbered to R4-33-209 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-122 renumbered to R4-33-208 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-122 renumbered to R4-33-208 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-122 renumbered to R4-33-208 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-122 renumbered to R4-33-208 effective November 25, 1992 (Supp. 92-4).

R4-33-123. Renumbered**Historical Note**

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-23 renumbered as Section R4-33-123 (Supp. 82-1). Section R4-33-123 renumbered to R4-33-210 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-123 renumbered to R4-33-210 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-123 renumbered to R4-33-209 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-123 renumbered to R4-33-209 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-123 renumbered to R4-33-209 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-123 renumbered to R4-33-209 effective November 25, 1992 (Supp. 92-4).

R4-33-124. Renumbered**Historical Note**

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-24 renumbered as Section R4-33-124 (Supp. 82-1). Section R4-33-124 renumbered to R4-33-211 by emergency action effective June 19, 1991, pursu-

ant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-124 renumbered to R4-33-211 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-124 renumbered to R4-33-210 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-124 renumbered to R4-33-210 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-124 renumbered to R4-33-210 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-124 renumbered to R4-33-210 effective November 25, 1992 (Supp. 92-4).

R4-33-125. Renumbered

Historical Note

Section R4-33-125 renumbered to R4-33-211 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-125 renumbered to R4-33-211 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-125 renumbered to R4-33-211 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-125 renumbered to R4-33-211 effective November 25, 1992 (Supp. 92-4).

R4-33-126. Renumbered

Historical Note

Adopted effective August 6, 1991 (Supp. 91-3). Former Section R4-33-126 renumbered to R4-33-212 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-126 renumbered to R4-33-212 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-126 renumbered to R4-33-212 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-126 renumbered to R4-33-212 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-126 renumbered to R4-33-212 effective November 25, 1992 (Supp. 92-4).

R4-33-127. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-27 renumbered and amended as Section R4-33-127 (Supp. 82-1). Section R4-33-127 renumbered to R4-33-212 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Repealed effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-127 renumbered to R4-33-213 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-127 renumbered to R4-33-213 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-127 renumbered to R4-33-213 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-127

renumbered to R4-33-213 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-127 renumbered to R4-33-213 effective November 25, 1992 (Supp. 92-4).

R4-33-128. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-28 renumbered as Section R4-33-128 (Supp. 82-1). Section R4-33-128 renumbered to R4-33-213 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-128 renumbered to R4-33-214 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-128 renumbered to R4-33-214 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-128 renumbered to R4-33-214 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-128 renumbered to R4-33-214 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-128 renumbered to R4-33-214 effective November 25, 1992 (Supp. 92-4).

R4-33-129. Renumbered

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-29 renumbered as Section R4-33-129 and repealed effective February 10, 1982 (Supp. 82-1). Section R4-33-129 renumbered to R4-33-214 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-129 renumbered to R4-33-215 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-129 renumbered to R4-33-215 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-129 renumbered to R4-33-215 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-129 renumbered to R4-33-215 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-129 renumbered to R4-33-215 effective November 25, 1992 (Supp. 92-4).

R4-33-130. Renumbered

Historical Note

Adopted effective July 24, 1989 (Supp. 78-4). Former Section R4-33-30 renumbered as Section R4-33-130 and repealed, new Section R4-33-130 adopted effective February 10, 1982 (Supp. 82-1). Amended effective August 6, 1991 (Supp. 91-3). Section R4-33-130 renumbered to R4-33-215 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-130 renumbered to R4-33-216 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-130 renumbered to R4-33-216 by emergency action effective Febru-

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ary 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-130 renumbered to R4-33-216 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-130

renumbered to R4-33-216 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-130 renumbered to R4-33-216 effective November 25, 1992 (Supp. 92-4).

Table 1. Time-frames (in days)

Type of License	Overall Time-Frame	Administrative Review Time-Frame	Time to Respond to Deficiency Notice	Substantive Review Time-Frame	Time to Respond to Request for Additional Information
Initial License R4-33-201 A.R.S. § 36-446.04(A)	120	15	90	105	60
Renewal of License R4-33-206 A.R.S. § 36-446.07(E)	75	30	15	45	15
Temporary License R4-33-212 A.R.S. § 36-446.06	120	15	90	105	60
Continuing Education Program Approval R4-33-214 A.R.S. § 36-446.07(E)	60	15	30	45	15
Administrator-in-Training Program Approval R4-33-301 A.R.S. § 36-446.04	60	15	30	45	15
Initial Certification R4-33-403 A.R.S. § 36-446.04(B)	120	15	90	105	60
Renewal of Certification R4-33-406 A.R.S. § 36-446.07(F)	75	30	15	45	15
Approval of Continuing Education Program R4-33-408 A.R.S. § 36-446.07(F)	60	15	30	45	15
Temporary Certification R4-33-410 A.R.S. § 36-446.06	120	15	90	105	60

Historical Note

Table 1 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

ARTICLE 2. NURSING CARE INSTITUTION ADMINISTRATOR LICENSING

Article 2, consisting of Sections R4-33-201 through R4-33-207 and R4-33-209 through R4-33-215, renumbered from R4-33-115 through R4-33-124 and R4-33-127 through R4-33-130 effective November 25, 1992 (Supp. 92-3).

Article 2, consisting of Sections R4-33-201 through R4-33-207 and R4-33-209 through R4-33-215, renumbered by emergency action from R4-33-115 through R4-33-124 and R4-33-127 through R4-33-130 effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2).

Article 2, consisting of Sections R4-33-201 through R4-33-

215, renumbered by emergency action from R4-33-114 through R4-33-124 and R4-33-127 through R4-33-130 effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2).

R4-33-201. Initial Application

A. A person who desires to be licensed as a nursing care institution administrator shall submit to the Board an application on a form provided by the Board which provides the following information:

1. Full name;
2. Type of license for which application is being submitted; and
3. Sworn statement that applicant has answered all questions on all forms related to the application truthfully and

- has authorized educational and other institutions, employers, and governmental agencies to provide to the Board any information requested by the Board.
- B. The applicant shall arrange to have two persons who are unrelated to the applicant and not in the applicant's employment complete "Moral Character Certification" forms and return them directly to the Board. The certification shall contain the applicant's full name; type of examination for which the applicant is applying to sit; a certification that person is personally acquainted with the applicant; the number of years of acquaintance; the belief that the applicant is of appropriate moral character and suitability; and a recommendation of the applicant to the Board.
 - C. The applicant shall have a licensed physician complete a "Medical Certification" form and return it directly to the Board. The certification shall contain the applicant's full name; type of examination for which the applicant is applying to sit; a certification by the physician that the applicant is in good health, free from contagious diseases, and absent any physical or mental impairments that would interfere with the performance of administrator duties; the number of years the physician has provided care to the applicant; the date the applicant was examined; other remarks; and the signature, full name, address and license number of the physician.
 - D. An applicant who has been convicted of a felony shall submit, with the application, evidence that the applicant is in compliance with all court imposed requirements. The evidence shall be issued by an appropriate court, Board of Parole, or equivalent agency. The evidence shall provide information on the specific type of felony offense and the related circumstances.
 - E. The applicant shall complete and submit a sworn, notarized, and completed personal data sheet form prescribed by the Board which provides the following information:
 1. The name as the applicant wants it to appear on the certificate;
 2. The full name of the applicant;
 3. The home address of the applicant;
 4. The home telephone number of the applicant;
 5. The applicant's date of birth;
 6. The applicant's social security number;
 7. The sex of the applicant;
 8. The work telephone number of the applicant;
 9. Whether the applicant is presently serving as an administrator, and if so, the address of the institution;
 10. Whether the applicant has ever had an administrator license suspended or revoked;
 11. Whether the applicant has ever had a nursing care institution administrator license denied;
 12. Whether the applicant is currently licensed as an administrator in any other state, including name of state, license number, and expiration date;
 13. Whether the applicant's administrator license has ever been suspended or revoked;
 14. The names of the two persons to whom moral character certificates were sent;
 15. The name and address of the physician to whom the medical certificate was sent;
 16. Whether the applicant has been convicted for a violation of any law other than a minor traffic violation, and, if so, the date, place, and nature of the conviction;
 17. The state of current licensure, date license received, and the license number, if the applicant wishes to apply for licensure by reciprocity;
 18. The educational record of the applicant, including:
 - a. Name of the high school attended by applicant, its location, highest grade completed, whether the applicant received a diploma and year, and if not, GED certificate number and date issued and where the GED exam was taken;
 - b. Undergraduate education, including name and location of college or university, course of study, years attended, and degree and date received;
 - c. Post-graduate education, including name and location of college or university, course of study, years attended, and degree and date received;
 - d. Field training or short courses, including name and location of institution or agency, dates attended, course pursued, and date completed;
 - e. Memberships in professional or honorary societies and dates of membership;
 - f. Any special honors received and dates;
 - g. Professional licenses or certificates held, including type, license number, licensing authority, state, and dates;
 - h. Articles or books published, including name of publication, publisher, and copyright year or date of publication;
 19. The applicant's employment record for the last 10 years, including name and address of each employer, position held, immediate supervisor, and description of duties;
 20. A description of applicant's participation in health care institution association offices and activities;
 21. A description of the applicant's involvement in health-related community service activities; and,
 22. A finished, unmounted color photograph of the applicant's head and shoulders, not less than 2 1/2 inches nor more than 3 inches square and taken within six months before the date of application.
 - F. The applicant shall provide to the Board transcripts, a certificate of AIT program completion, or both, which demonstrate that the requirements of R4-33-204 have been met.
 - G. An applicant shall submit the completed application forms and prescribed fees to the Board at least 45 days before the date of the next regularly scheduled examination.
 - H. An applicant shall appear before the Board upon its request.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-15 renumbered and amended as Section R4-33-115 (Supp. 82-1). Section R4-33-202 renumbered from R4-33-115 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended effective August 6, 1991 (Supp. 91-3). Emergency expired. New Section R4-33-201 renumbered from R4-33-115 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). New Section R4-33-201 renumbered from R4-33-115 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). New Section R4-33-201 renumbered from R4-33-115 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. New Section R4-33-201 renumbered from R4-33-115 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-201 renumbered from R4-33-115 effective November 25, 1992 (Supp. 92-4). Text corrected to include amendments adopted effective August 6, 1991, which were inadvertently omitted (Supp. 95-2). Amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-202. Licensure by Examination

- A. To be eligible for licensing as a nursing care institution administrator, an applicant shall obtain the following:
1. A score of 70% on a written national examination of NAB;
 2. A score of 80% on a written examination based on Arizona statutes and rules.
- B. An applicant who passes one of the examinations in subsection (A) but fails the other shall be required to retake only the examination failed to be eligible for licensing.
- C. The Board shall administer examinations not less than twice each year at times and places specified by the Board.
- D. An applicant who fails either part of the examination two times shall not be eligible to take another examination for 11 months from the date of the last examination. An applicant who fails the examination three times may not take another examination until the applicant successfully completes an AIT program.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-16 renumbered as Section R4-33-116 (Supp. 82-1). Section R4-33-203 renumbered from R4-33-116 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Amended as Section R4-33-116 effective August 6, 1991 (Supp. 91-3). Section R4-33-202 renumbered from R4-33-116 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-202 renumbered from R4-33-116 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-202 renumbered from R4-33-116 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-202 renumbered from R4-33-116 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-202 renumbered from R4-33-116 effective November 25, 1992 (Supp. 92-4). Text corrected to include amendments adopted effective August 6, 1991, which were inadvertently omitted (Supp. 95-2). Amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-203. Licensure by Endorsement

The Board, in its discretion and otherwise subject to the law pertaining to the licensing of nursing care institution administrators, shall issue a nursing care institution administrator license upon application and payment of the prescribed fee and submission of evidence satisfactory to the Board that an applicant:

1. Has met the requirements specified in R4-33-201. Instead of meeting the requirements of R4-33-201(F), the applicant may submit evidence of ACHCA certification.
2. Holds a valid and current license as a nursing care institution administrator for a state or territory which was obtained by passing the NAB examination required by R4-33-202(A)(1). If the applicant took the national examination before January 1990, a passing score shall be a raw score of 105 or better. After January 1990, a passing score shall be 70%. The applicant shall arrange to have the licensing agency of the state in which the applicant is licensed complete and directly return to the Board a certification on a form provided by the Board which provides the name of the secretary of the state board providing the certification, the full name of the applicant, the appli-

cant's license number, date of licensing, expiration date of the license, the national examination taken by the applicant and the applicant's score, a statement that the applicant is fit and proper for licensing, the signature of the secretary, and the agency name and address.

3. Has met or exceeded a score of 80% on the written examination administered by the Board in accordance with R4-33-202(A)(2).

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-17 renumbered and amended as Section R4-33-117 (Supp. 82-1). Section R4-33-204 renumbered from R4-33-117 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Amended as Section R4-33-117 effective August 6, 1991 (Supp. 91-3). Section R4-33-203 renumbered from R4-33-117 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-203 renumbered from R4-33-117 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-203 renumbered from R4-33-117 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-203 renumbered from R4-33-117 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-203 renumbered from R4-33-117 effective November 25, 1992 (Supp. 92-4). Text corrected to include amendments adopted effective August 6, 1991, which were inadvertently omitted (Supp. 95-2). Amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-204. Qualifications for Initial License by Examination

An applicant for licensing as a nursing care institution administrator who completes the requirement of R4-33-201 and meets either of the following requirements shall be eligible to take the licensure examination:

1. Has successfully completed a Board-approved AIT program and holds a minimum of a baccalaureate degree from an accredited college or university; or
2. Holds a minimum of a masters degree in health care administration or long-term care administration from an accredited college or university.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-18 renumbered as Section R4-33-118 and repealed effective February 10, 1982 (Supp. 82-1). Section R4-33-205 renumbered from R4-33-118 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-204 renumbered from R4-33-118 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-204 renumbered from R4-33-118 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-204 renumbered from R4-33-118 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-204 renumbered from R4-33-118 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-204

renumbered from R4-33-118 effective November 25, 1992 (Supp. 92-4). Final amendment at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-205. Repealed

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Amended effective July 24, 1978 (Supp. 78-4). Former Section R4-33-19 renumbered as Section R4-33-119 and repealed, new Section R4-33-119 adopted effective February 10, 1982 (Supp. 82-1). Amended effective May 2, 1984 (Supp. 84-3). Amended as an emergency effective October 2, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-4). Emergency expired. Emergency amendments readopted without change effective January 3, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-1). Emergency amendments adopted again without change effective April 3, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days; amended effective June 14, 1990 (Supp. 90-2). Section R4-33-206 renumbered from R4-33-119 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended as R4-33-119 effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-206 renumbered from R4-33-119 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-205 renumbered from R4-33-119 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-205 renumbered from R4-33-119 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-205 renumbered from R4-33-119 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-205 renumbered from R4-33-119 effective November 25, 1992 (Supp. 92-4). Text corrected to include amendments adopted effective August 6, 1991, which were inadvertently omitted (Supp. 95-2). Amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1). Section repealed by final rulemaking at 10 A.A.R. 805, effective April 13, 2004 (Supp. 04-1).

R4-33-206. Renewal Application

- A. A license year begins July 1 and ends June 30.
- B. All licenses, except temporary, expire at midnight on June 30 of each even-numbered year. Temporary licenses expire at midnight on the date designated on the license.
- C. A licensee shall submit an application for renewal of license, accompanied by the prescribed fee and evidence of completion of 50 hours of continuing education credit under R4-33-214, not later than June 1. A licensee who received an original license on or after January 1 and before June 30 of the renewal year shall submit evidence of completion of 10 hours of continuing education credit under R4-33-214.
- D. A person whose license has expired because of failure to renew in accordance with subsection (C) may apply for renewal if:
 1. The person's license was not revoked under A.R.S. § 36-446.07;
 2. No more than 30 days have lapsed since expiration of the license;
 3. The person pays the prescribed fees; and
 4. The person meets the applicable continuing education requirements.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Amended effective July 24, 1978 (Supp. 78-4). Former Section R4-33-20 renumbered and amended as Section R4-33-120 (Supp. 82-1). Section R4-33-207 renumbered from R4-33-120 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Amended as R4-33-120 effective August 6, 1991 (Supp. 91-3). Section R4-33-207 renumbered from R4-33-120 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-207 renumbered from R4-33-120 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-207 renumbered from R4-33-120 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-207 renumbered from R4-33-120 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-206 renumbered from R4-33-120 effective November 25, 1992 (Supp. 92-4). Text corrected to include amendments adopted effective August 6, 1991, which were inadvertently omitted (Supp. 95-2). Amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-207. Inactive Status

- A. The Board shall place a person's license on inactive status if the licensee:
 1. Is currently licensed in good standing in Arizona;
 2. Notifies the Board in writing of the wish to be placed on inactive status; and
 3. Meets the continuing education requirements. These continuing education requirements may be prorated, based upon the commencement of the renewal period.
- B. The Board shall provide the licensee written confirmation of inactive status.
- C. To resume active licensure status, the licensee shall complete the 25 hours of continuing education credits required in A.R.S. § 36-446.07(H) within six months before making written request to the Board for resumption of active licensure status.
- D. The Board shall grant the request to resume active status if the requirements of subsection (C) are met. The Board shall send written notice to the licensee granting or denying active status. If denied, the licensee shall have 15 days from the date of receipt of the notice to file a request for hearing with the Board, appealing the denial. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and Article 10.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-21 renumbered and amended as Section R4-33-121 (Supp. 82-1). Section R4-33-208 renumbered from R4-33-121 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-208 renumbered from R4-33-121 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-208 renumbered from R4-33-121 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-208 renumbered from R4-33-121 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026,

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valid for only 90 days (Supp. 92-2). Emergency expired.

Section R4-33-208 renumbered from R4-33-121 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-207 renumbered from R4-33-121 effective November 25, 1992 (Supp. 92-4). Section R4-33-207 renumbered to R4-33-208, new Section adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-208. Standards of Conduct; Disciplinary Action

A. The following standards of conduct apply to an administrator licensed under this Article:

1. An administrator shall not engage in unprofessional conduct.
2. An administrator:
 - a. Shall be familiar with the federal and state laws and regulations applicable to operation of a nursing care institution.
 - b. Shall not be addicted to or dependent upon the use of narcotics or other drugs, including alcohol, which interferes with the performance of the duties as a nursing care institution administrator.
 - c. Shall not wilfully permit a nursing care institution or its owners, officers, or employees to solicit, offer, or receive any premium, rebate, or other valuable consideration in connection with the furnishing of items or services to patients of the institution or for referral of patients to another person or place if the resulting economic benefit is not directly passed on to the patients.
 - d. Shall not wilfully permit the unauthorized disclosure of information relating to a patient or a patient's records.
 - e. Shall not discriminate against patients or employees, on the basis of race, sex, age, religion, disability, or national origin.
 - f. Shall not misrepresent qualifications, education, experience or affiliations.
 - g. Shall not aid or abet anyone in misrepresenting that person's qualifications, education, experience, or affiliations.
 - h. Shall not defend, support, or ignore unethical conduct perpetrated by employees, owners, or peers.
 - i. Shall not engage in any conduct or practice contrary to recognized community standards or ethics of a nursing care institution administrator or any conduct or practice which does or might constitute incompetence, gross negligence, repeated negligence or negligence that might constitute a danger to the health, welfare or safety of the patient or the public.
 - j. Shall not procure or attempt by fraud or misrepresentation to procure a license or renewal of a license to practice as a nursing care institution administrator.
 - k. Shall not violate a formal order, condition of probation, or stipulation issued by the Board.
 - l. Shall not commit an act of sexual abuse, misconduct, harassment, or exploitation.
 - m. Shall not retaliate against any person who reports in good faith to the Board alleged incompetence, illegal, or unethical conduct of any practitioner.

B. Final judgment or conviction for a felony or any offense involving moral turpitude, or direct or indirect elder abuse shall be grounds for disciplinary action under A.R.S. § 36-446.07 et seq., or denial of license application or renewal.

C. An administrator who has violated any provision of this Article shall be subject to discipline in accordance with A.R.S. § 36-446.07.

Historical Note

Adopted effective July 24, 1978 (Supp. 78-4). Former Section R4-33-22 renumbered as Section R4-33-122 (Supp. 82-1). Section R4-33-209 renumbered from R4-33-122 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-209 renumbered from R4-33-122 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-209 renumbered from R4-33-122 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-209 renumbered from R4-33-122 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-209 renumbered from R4-33-122 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-208 renumbered from R4-33-122 effective November 25, 1992 (Supp. 92-4). Section R4-33-208 renumbered to R4-33-209, new Section R4-33-208 renumbered from R4-33-207 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-209. Rehearing or Review of Decision

- A. Except as provided in subsection (G), any party in a contested case before the Board who is aggrieved by a decision rendered in the case may file with the Board, not later than 30 days after service of the decision, a written motion for rehearing or review of the decision which specifies the particular grounds on which it is based. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party at the party's last known residence or place of business.
- B. A motion for rehearing under this rule may be amended at any time before it is ruled upon by the Board. A response may be filed within 10 days after service of the motion. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the moving party's rights:
1. Irregularity in the administrative proceedings of the agency or its hearing officer or the prevailing party or any order or abuse of discretion that deprived the moving party of a fair hearing,
 2. Misconduct of the Board or its hearing officer or the prevailing party,
 3. Accident or surprise that could not have been prevented by ordinary prudence,
 4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing,
 5. Excessive or insufficient penalties,
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing, and
 7. That the decision is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons listed in subsection (C). An order granting a rehearing shall specify with particularity the ground or

grounds on which the rehearing is granted, and the rehearing shall cover only the specified matters.

- E. Not later than 30 days after a decision is rendered, the Board may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. In either case the order granting a rehearing shall specify the grounds on which it is granted.
- F. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended for 20 days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. Except as provided in subsection (H), a decision shall be final when rendered if further review is unavailable, upon expiration of the time for filing a request for rehearing, or upon denial of a request for rehearing, whichever is later. If a rehearing is granted, the decision shall be stayed until affirmed, amended, or reversed.
- H. If in a particular decision the Board makes specific findings that the immediate effectiveness of the decision is necessary for the immediate preservation of the public peace, health, or safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing, the decision shall be effective when issued. Any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions.
- I. For purposes of this Section, the terms "contested case" and "party" have the meanings provided in A.R.S. § 41-1001.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-23 renumbered as Section R4-33-123 (Supp. 82-1). Section R4-33-210 renumbered from R4-33-123 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-210 renumbered from R4-33-123 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-210 renumbered from R4-33-123 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-210 renumbered from R4-33-123 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-210 renumbered from R4-33-123 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-209 renumbered from R4-33-123 effective November 25, 1992 (Supp. 92-4). Section R4-33-209 renumbered to R4-33-210, new Section R4-33-209 renumbered from R4-33-208 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-210. Restoration of Revoked License

- A. No earlier than 12 months from the date of revocation, a former licensee may file a request for license restoration. The former licensee shall submit evidence satisfactory to the Board

that the basis for revocation has been removed. The former licensee shall meet all of the requirements of R4-33-201, R4-33-202 and R4-33-204. The requirements of R4-33-201(D) shall be applicable to a former licensee who was convicted of a felony.

- B. Following receipt of a request for license restoration, the Board shall require the former licensee to appear before the Board and provide evidence that all the requirements of R4-33-210(A) have been met. If a request for license restoration is denied, the former licensee may request a hearing under A.R.S. § 41-1065.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former

Section R4-33-24 renumbered as Section R4-33-124 (Supp. 82-1). Section R4-33-211 renumbered from R4-33-124 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-212 renumbered from R4-33-124 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-210 renumbered from R4-33-124 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-210 renumbered from R4-33-124 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-210 renumbered from R4-33-124 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-210 renumbered from R4-33-124 effective November 25, 1992 (Supp. 92-4). Section R4-33-210 renumbered to R4-33-211, new Section R4-33-210 renumbered from R4-33-209 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-211. Display of License and Board Notification

- A. A licensee shall display the licensee's certificate of licensure and current renewal certificate in a conspicuous place in the licensee's office or place of business or employment.
- B. A licensee shall notify the Board, within 30 days, of any change of name or mailing address, providing both former and new name or address.
- C. A licensee shall notify the Board, within 30 days, each time that the licensee is appointed administrator of a nursing care institution and each time an appointment terminates. Each notification shall include the name and address of the facility or facilities involved and the dates of appointment or termination.

Historical Note

Section R4-33-211 renumbered from R4-33-125 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-211 renumbered from R4-33-125 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-211 renumbered from R4-33-125 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-211 renumbered from R4-33-125 effective November 25, 1992 (Supp. 92-4). New Section R4-33-211 renumbered from R4-33-210 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-212. Temporary License

- A.** To qualify for a temporary license to fill a nursing care institution administrator position, an applicant shall submit the application required in R4-33-201 and provide evidence of the following:
1. That the applicant meets or exceeds the requirements specified in R4-33-201 and R4-33-203, or R4-33-204.
 2. That an administrator's position is available and that the applicant will be engaged in the capacity of administrator if the applicant is successful in obtaining a temporary license;
 3. That the applicant has not held an Arizona temporary license within the past three years; and
 4. That the applicant has not failed a state or national examination within one year before applying for a temporary license.
- B.** At the Board's request an applicant shall appear or be available by telephone for an interview with the Board.
- C.** A temporary license is valid for 150 days. Before expiration of the temporary license, the temporary licensee shall become licensed under the terms of A.R.S. § 36-446.04 and this Article or discontinue as administrator of the nursing care institution.

Historical Note

Adopted effective August 6, 1991 (Supp. 91-3). Section R4-33-211 renumbered from R4-33-126 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-212 renumbered from R4-33-126 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-212 renumbered from R4-33-126 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-212 renumbered from R4-33-126 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-212 renumbered from R4-33-126 effective November 25, 1992 (Supp. 92-4). Section R4-33-212 amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-213. Denial of License or Renewal of License

- A.** A person who is denied the right to take an examination may file a request for an informal interview before the Board within 15 days after receipt of the notice of denial.
- B.** A person who is denied a license or renewal of license shall be notified in writing and may file a request for a hearing before the Board under A.R.S. § 41-1092.03.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-27 renumbered and amended as Section R4-33-127 (Supp. 82-1). Section R4-33-212 renumbered from R4-33-127 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Repealed as R4-33-127 effective August 6, 1991 (Supp. 91-3). Emergency expired. Section R4-33-213 renumbered from R4-33-127 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-213 renumbered from R4-33-127 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-213 renumbered from R4-33-127 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-213 renumbered from

R4-33-127 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-213 renumbered from R4-33-127 effective November 25, 1992 (Supp. 92-4). Section R4-33-213 renumbered from R4-33-214 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-214. Criteria for Continuing Education

- A.** A licensee shall obtain 50 hours of continuing education credit per renewal period for renewal of license except that, if an administrator is initially licensed on or after January 1 and before June 30 of the renewal year, only 10 hours shall be required for that first renewal period.
- B.** No later than June 1, a licensee shall submit evidence of attendance at continuing education programs with the application for renewal of license required under R4-33-206. Evidence of attendance includes a certificate, letter of attendance, or grade report from the provider of the continuing education program.
- C.** Licensees shall complete continuing education programs between June 1 and May 31, during the renewal period.
- D.** To be eligible for credit, a continuing education program shall be approved by the Board and shall be in at least one of the following subject areas:
1. Statutes and regulations on environmental health and safety (OSHA),
 2. Principles of management,
 3. Psychology and principles of patient care,
 4. Personal and social care,
 5. Therapeutic and supportive care and services in long-term care, and
 6. Community health and social resources.
- E.** Continuing education credits shall be awarded as follows:
1. Seminars or workshops: one hour of credit for each contact hour.
 2. College accredited courses: 15 credit hours for each semester hour.
 3. Annual meetings of national health care organizations and annual state association meetings affiliated with national health care organizations: 1/2 hour credit for each business meeting.
 4. Two continuing education credits for each month that an AIT preceptor trains an AIT. A preceptor shall receive a maximum of 50% of required continuing education hours during a renewal period from serving as a preceptor.
- F.** A licensee who participates as an instructor in an approved continuing education program shall receive the same credit as a student. The licensee may receive continuing education credit for instructing the same approved program only once during a renewal period.
- G.** A licensee shall receive credit for no more than 20 hours of required continuing education during a renewal period from correspondence courses.
- H.** Requests for approval of a continuing education program shall be submitted by individuals or sponsors in writing and shall contain the following information:
1. Title of program;
 2. Sponsor: name, address and contact person;
 3. Date, time and place of program;
 4. Content and applicability to nursing home administration;
 5. Qualification of instructors;
 6. Number of contact hours; include a time schedule of events and an agenda with specific times for instruction, breaks and meals; and
 7. If an accredited college course, the number of semester credits available.

Historical Note

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-28 renumbered as Section R4-33-128 (Supp. 82-1). Section R4-33-213 renumbered from R4-33-128 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-214 renumbered from R4-33-128 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-214 renumbered from R4-33-128 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-214 renumbered from R4-33-128 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-214 renumbered from R4-33-128 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-214 renumbered from R4-33-128 effective November 25, 1992 (Supp. 92-4). Section R4-33-214 renumbered from R4-33-216 and amended by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-215. Renumbered**Historical Note**

Adopted effective October 12, 1976 (Supp. 76-5). Former Section R4-33-29 renumbered as Section R4-33-129 and repealed effective February 10, 1982 (Supp. 82-1). Section R4-33-214 renumbered from R4-33-129 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Section R4-33-214 renumbered from R4-33-129 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Section R4-33-215 renumbered from R4-33-129 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Section R4-33-215 renumbered from R4-33-129 by emergency action effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-215 renumbered from R4-33-129 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-215 renumbered from R4-33-129 effective November 25, 1992 (Supp. 92-4).

R4-33-216. Renumbered**Historical Note**

Adopted effective July 24, 1989 (Supp. 78-4). Former Section R4-33-30 renumbered as Section R4-33-130 and repealed, new Section R4-33-130 adopted effective February 10, 1982 (Supp. 82-1). Section R4-33-215 renumbered from R4-33-130 by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Amended as R4-33-130 effective August 6, 1991 (Supp. 91-3). Emergency expired.

Section R4-33-216 renumbered from R4-33-130 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section R4-33-216 renumbered from R4-33-130 by emergency action effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Section R4-33-216 renumbered from R4-33-130 by emergency action effective May 28, 1992, pursuant to

A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Section R4-33-216 renumbered from R4-33-130 by emergency action effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Section R4-33-216 renumbered from R4-33-130 effective November 25, 1992 (Supp. 92-4). Text corrected to include amendments adopted effective August 6, 1991, which were inadvertently omitted (Supp. 95-2). Section R4-33-216 renumbered to R4-33-214 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

ARTICLE 3. ADMINISTRATOR IN TRAINING PROGRAM**R4-33-301. Administrator in Training Program Requirements**

- A.** An AIT program shall have a program advisory committee that is responsible for all aspects of the training program. The committee shall conduct at least two on-site visits during each training period. For 20 to 52 week approved training periods, the two site visits shall be conducted upon completion of 30 and 80% of the program requirements. Additional site visits may be conducted upon request of the AIT, the preceptor or the committee.
- B.** The program advisory committee shall endorse a preceptor for each AIT. A preceptor shall provide training to no more than one AIT at a time.
- C.** The program advisory committee shall appoint a site evaluator for each preceptor/administrator training relationship who shall conduct the site visits. A site visit check list shall be completed by the site evaluator during each site visit and reviewed with the preceptor and the AIT if program discrepancies or concerns are identified.
- D.** A site evaluator shall:
 1. Review the AIT application as approved by the program advisory committee;
 2. Review the individualized training programs as approved by the advisory committee;
 3. Make initial contact by telephone with the AIT and the preceptor to introduce the site evaluator, confirm receipt of the NAB AIT/preceptor domains of practice manual, answer any questions, and schedule the first site visit;
 4. Review all monthly reports, daily logs, and other information received from the AIT or preceptor before the first site visit;
 5. Tour the facility with the AIT, review the AIT's daily log, and interview the AIT and preceptor, both individually and together, during the site visit;
 6. Complete the site visit report and review the findings with the AIT and preceptor before leaving the facility. The site visit report shall address the following:
 - a. Whether the evaluator met with the AIT and preceptor, individually and together;
 - b. Whether the NAB AIT/preceptor domains of practice manual and instructions were reviewed with both the AIT and preceptor and any comments;
 - c. Whether the AIT and preceptor appeared to understand their respective roles and responsibilities as outlined in the NAB AIT/preceptor domains of practice manual;
 - d. Whether the facility was toured with the AIT and preceptor, and any comments;
 - e. Examples of staff and resident interaction with the AIT, the apparent position occupied by the AIT in the facility, and whether the AIT appeared to know and recognize staff and residents;

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- f. Whether the evaluator met with any departments with which the AIT had worked and any comments made by department heads regarding AIT's learning experience;
 - g. Which written reports, time logs, and other program materials were reviewed, whether the monthly reports were timely and complete, and what other reports, tests, and workshops had been completed by the AIT;
 - h. Which approved AIT training program is being used as a primary resource and what supplementary texts or other materials are being used;
 - i. What concerns were expressed or questions asked during the interview with the AIT and preceptor;
 - j. The frequency and duration of meeting between the AIT and preceptor, scheduled or unscheduled;
 - k. The locations outside the facility where AIT has been assigned or visited, and the purpose, length and supervision provided;
 - l. The community meetings or events attended by the AIT as part of the program, including any AzACHCA meeting or peer group sessions;
 - m. How closely the actual training program has adhered to the proposed training schedule, any variations and whether the variations have negatively affected the program;
 - n. An overall assessment of the training program and its progress and whether there are any apparent problems that may prevent the AIT from completing the program as planned; and,
 - o. Any additional comments;
7. Schedule additional site visits if a significant change occurs in the program outline, if there is a change in either the AIT or preceptor, or upon request of the AIT, preceptor, or program advisory committee; and
8. Conduct telephone interviews with the AIT upon receipt of the monthly progress report to validate the learning experience and respond to any questions or concerns.
- E.** A site program evaluator shall maintain a file on each assigned AIT that includes the following:
- 1. The AIT application and attachments reviewed by the advisory committee;
 - 2. A copy of each monthly report and daily log;
 - 3. A copy of each site visit report;
 - 4. Copies of any correspondence and interim reports; and,
 - 5. Copy of the program completion from the NAB AIT/preceptor domains of practice manual, completed by the preceptor and co-signed by the AIT when the training program is finished.
- F.** An individualized training plan shall be prepared at the beginning of the training by the preceptor and the AIT. Any changes to the training plan shall be submitted, in writing, to the program evaluator, for review by the advisory committee.
- G.** A training program shall not permit the following:
- 1. A preceptor to train the preceptor's employer or supervisor; or
 - 2. A preceptor to train the preceptor's spouse, child, parent, brother, sister, first or second cousin, niece, nephew, uncle, or aunt.
- H.** A program advisory committee shall provide semiannual reports in June and December to the Board which include the names of preceptors trained, number of administrators in training, number of administrators in training who have completed training, and the names of facilities where training is being provided.
- I.** If a preceptor is no longer able or willing to be a preceptor or the AIT chooses to change location or preceptor, the AIT program ceases and the following shall occur:
- 1. The original preceptor and AIT shall write a letter to the program advisory committee stating the reasons for the change and the last date of training. The letter shall be signed by both the AIT and original preceptor. The AIT shall complete and sign the last monthly report.
 - 2. The AIT and new preceptor shall submit a letter of application for continuance to the program advisory committee stating that the preceptor or training location has changed. The new preceptor shall complete and submit the preceptor portion of the application form, including the preceptor's credentials.
 - 3. At the next meeting of the program advisory committee following receipt of the letter, the committee shall review the documentation and send written notification to the AIT and the preceptor of the committee's decision and program continuance date within five working days after the meeting.
 - 4. Change requests may be completed in advance to allow for a smooth and timely transition.
- Historical Note**
- Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted again with changes effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-301 renumbered as a permanent rule to R4-33-302; new rule R4-33-301 adopted effective November 25, 1992 (Supp. 92-4). Former Section R4-33-301 renumbered to R4-33-401, new Section R4-33-301 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).
- R4-33-302. Preceptor Qualifications and Responsibilities**
- A.** A preceptor shall have the following qualifications:
- 1. Be an administrator of record with a current nursing care institution administrator's license in good standing in Arizona with no disciplinary actions taken against the preceptor's license in the last three years, excluding letters of concern;
 - 2. Be a full-time practicing nursing care institution administrator with a minimum of two years of experience as an administrator within the last three years;
 - 3. Comply with all required continuing education in the long-term care field; and
 - 4. Complete a preparatory educational seminar approved by the Board.
- B.** A preceptor shall:
- 1. Implement the AIT training program in a facility.
 - 2. Interview a prospective AIT to ensure that the preceptor and AIT understand the required training plan, develop the AIT program experience, identify individual responsibilities, and assure compatibility between them. A proposed training program shall be prepared by the preceptor and AIT for submission to and approval by the program advisory committee. The training plan shall include the following:

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- a. The name of the AIT;
 - b. The date;
 - c. The name of the training site, and its address and phone number;
 - d. The number of weeks or hours to complete the program;
 - e. The start, completion and examination dates of the program, including the hours in administration, human resources, nursing, rehabilitation, medical records, activities, social services, business office, dietary, housekeeping, laundry, maintenance, and other;
 - f. The total assigned time in weeks or hours;
 - g. Other comments; and
 - h. The dated signatures of the AIT and preceptor.
3. Provide the AIT with an initial orientation to the facility, its philosophy, its staff and basic operation.
 4. Alert the facility's staff to the presence of the AIT and the purpose of the clinical experience and solicit staff cooperation in providing information and encouragement to the AIT.
 5. Meet with the AIT on at least a weekly basis to evaluate performance, apprise the AIT of areas of competency and weakness, identify problem areas, and modify the training plan to meet altered needs.
 6. Provide information and guidance to the AIT in test-taking techniques to prepare for state licensure.
 7. Provide follow-up with the AIT's progress upon completion of the training program and provide information regarding job opportunities in the field of long-term care administration.
 8. Report on a monthly basis to the program advisory committee any concerns or problems regarding the progress of the AIT, including comments on the professional competence of the AIT as well as the attitudes about long-term care and general suitability of the AIT for the field.
 9. Modify the structure and content of the AIT program in response to feedback received from the AIT's evaluation of the preceptor.
 10. Incorporate into the AIT program visits to other facilities to provide broader exposure to the field, and visits to relevant governmental and community agencies.
 11. Upon completion of training, prepare a certification of program completion and provide it to the program advisory committee, which shall notify the Board that the AIT has successfully completed training. The certification of program completion shall provide the following information:
 - a. The full name of the AIT;
 - b. The place of training, including mailing and street address;
 - c. The telephone number of the place of training;
 - d. The dates the AIT began and completed the program;
 - e. The number of weeks spent in administration, human resources, nursing department, rehabilitation department, medical/patient records, activities department, social services/admissions, business office, dietary department, housekeeping/laundry, environment/maintenance and other;
 - f. The total number of weeks in the AIT training program;
 - g. A certification that the AIT has satisfactorily completed the program under the preceptor's personal supervision;
 - h. A narrative evaluation of the suitability of the AIT for licensure as a nursing care institution administrator; and
 - i. The signatures of the AIT and preceptor, the date, and the preceptor's license number.
- C. A preceptor shall immediately inform the site evaluator when the preceptor is absent for more than 10 consecutive working days for any reason. The site evaluator may extend or suspend the program if the preceptor is absent for a cumulative total of 25 working days for any reason. An AIT may train at another facility under another preceptor who has no other AIT during the absence of the original preceptor.

Historical Note

R4-33-302 adopted by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted again with changes effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-302 renumbered as a permanent rule to R4-33-303; new R4-33-302 renumbered from emergency rule R4-33-301 and adopted with changes effective November 25, 1992 (Supp. 92-4). Former Section R4-33-302 renumbered to R4-33-402, new Section R4-33-302 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-303. Administrator in Training

- A. An AIT shall comply with the standards of conduct applicable to nursing care institution administrators.
- B. An AIT shall serve an internship between the hours of 6:00 a.m. and 7:00 p.m., Monday through Friday, on a regular basis. An AIT may train on weekends and on second and third shifts for limited periods of time and for specific purposes.
- C. An AIT shall not serve in any capacity in a facility other than that of trainee during the training period.
- D. An AIT shall send a report at the end of the first calendar month and every month thereafter to the site evaluator. Each monthly report, together with daily logs, shall be completed for review and signature by the preceptor and submitted to the site evaluator. The report shall provide the following information:
 1. The full name of the AIT;
 2. The training facility name, address, and phone number;
 3. The date of the report;
 4. The dates covered by the report;
 5. The date the internship began and its expected completion date;
 6. A list of assignments and departments with time spent in each;
 7. A summary of learning experiences;
 8. A brief analysis of any problems observed, new experiences, and insights gained;
 9. A statement of any problems that arose during the training;
 10. A list of visits made outside the facility and educational conference attended;
 11. A certification that the information presented is true and accurate; and,

12. The signatures of the AIT and preceptor.
- E. An AIT shall complete the training program in not less than 20 weeks nor more than 52 weeks after beginning training.
- F. Any consecutive absence of an AIT of more than five working days shall result in the suspension of the program effective with the first day of absence. The preceptor shall immediately notify the site evaluator. The program may resume upon the return of the AIT to the program schedule if reviewed by the site evaluator. The program shall be extended equivalent to the period of time lost. Absences of five consecutive working days or less shall be worked out between the preceptor and the AIT.
- G. An AIT shall develop professional competency and a personal code of ethics through the following:
 1. In collaboration with the preceptor, become involved in decision-making activities of increasing difficulty and their implementation.
 2. Increase knowledge and appreciation of the clinical aspects of delivering quality long-term care services through observation and participation, including involvement with nursing, rehabilitative, and social services.
 3. Develop a familiarity with the patient population in the facility and with the unique problems associated with the delivery of multiple services to an aged, chronically ill, and disabled dependent population.
 4. Become familiar with all departments and services in the facility, including dietary, housekeeping, laundry, maintenance and others, to understand both their individual functions and how they interface with each other.
 5. Complete all projects and assignments made by the preceptor.
 6. Communicate openly with the preceptor at all times.
 7. Evaluate the preceptor's performance in the tutorial role.
 8. Apply the theories, concepts, principles, and techniques learned through formal academic preparation to practical situations in the facility.

Historical Note

R4-33-303 adopted by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted again with changes effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-303 renumbered as a permanent rule to R4-33-304; new R4-33-303 renumbered from emergency rule R4-33-302 and adopted with changes effective November 25, 1992 (Supp. 92-4). Former Section R4-33-303 renumbered to R4-33-403, new Section R4-33-303 adopted by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-304. Renumbered**Historical Note**

R4-33-304 adopted by emergency action effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted again with changes effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026,

valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-304 renumbered as a permanent rule to R4-33-305, new rule R4-33-304 renumbered from emergency rule R4-33-303 and adopted with changes effective November 25, 1992 (Supp. 92-4). Section R4-33-304 renumbered to R4-33-404 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-305. Renumbered**Historical Note**

Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted again with changes effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-305 renumbered as a permanent rule to R4-33-306, new R4-33-305 renumbered from emergency rule R4-33-304 and adopted with changes effective November 25, 1992 (Supp. 92-4). Section R4-33-305 renumbered to R4-33-405 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-306. Renumbered**Historical Note**

Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted again with changes effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-306 renumbered as a permanent rule to R4-33-307, new R4-33-306 renumbered from emergency rule R4-33-305 and adopted with changes effective November 25, 1992 (Supp. 92-4). Section R4-33-306 renumbered to R4-33-406 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-307. Renumbered**Historical Note**

Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted again with changes effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90

days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-307 renumbered as a permanent rule to R4-33-308, new R4-33-307 renumbered from emergency rule R4-33-306 and adopted with changes effective November 25, 1992 (Supp. 92-4). Amended effective February 6, 1995 (Supp. 95-1). Section R4-33-307 renumbered to R4-33-407 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-308. Renumbered

Historical Note

Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted as R4-33-307 renumbered to R4-33-311 by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days; new emergency rule adopted as R4-33-307 renumbered from R4-33-312 and amended by emergency action effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-308 renumbered as a permanent rule to R4-33-309, new R4-33-308 renumbered from emergency rule R4-33-307 and adopted with changes effective November 25, 1992 (Supp. 92-4). Section R4-33-308 renumbered to R4-33-408 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-309. Renumbered

Historical Note

Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. New emergency rule adopted as R4-33-308 renumbered from emergency rule R4-33-309 and amended effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-309 renumbered as a permanent rule to R4-33-310, new R4-33-309 renumbered from emergency rule R4-33-308 and adopted without change effective November 25, 1992 (Supp. 92-4). Section R4-33-309 renumbered to R4-33-409 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-310. Renumbered

Historical Note

Emergency adoption effective June 19, 1991, pursuant to

A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted as R4-33-309 renumbered to emergency rule R4-33-308; new emergency rule adopted as R4-33-309 renumbered from emergency rule R4-33-310 and amended effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again with changes effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-310 renumbered as a permanent rule to R4-33-311, new R4-33-310 renumbered from emergency rule R4-33-309 and adopted with changes effective November 25, 1992 (Supp. 92-4). Section R4-33-310 renumbered to R4-33-410 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-311. Renumbered

Historical Note

Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. Emergency rule adopted as R4-33-310 renumbered to R4-33-309; new emergency rule R4-33-310 renumbered from emergency rule R4-33-311 and amended effective November 29, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective February 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective May 28, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 10, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3). Emergency rule R4-33-311 renumbered as a permanent rule to R4-33-312, new R4-33-311 renumbered from emergency rule R4-33-310 and adopted without change effective November 25, 1992 (Supp. 92-4). Section R4-33-311 renumbered to R4-33-411 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-312. Renumbered

Historical Note

Emergency adoption effective June 19, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-2). Emergency expired. R4-33-312 renumbered from emergency rule R4-33-311 and adopted with changes effective November 25, 1992 (Supp. 92-4). Section R4-33-312 renumbered to R4-33-412 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

ARTICLE 4. ADULT CARE HOME MANAGER CERTIFICATION

R4-33-401. Training Program Requirements

The adult care home manager training program shall meet the following minimum requirements:

1. Consist of no less than 34 clock hours of training;
2. Contain, at minimum, the following curriculum:
 - a. Resident rights - two hours;
 - b. Hands-on care of the elderly, disabled, and physically handicapped - ten hours. Practical hands-on skills shall include the following: bathing; groom-

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- ing; oral hygiene; toileting; eating; dressing; ambulation; transferring in and out of bed, chair and tub; safety/fall prevention; assessing and monitoring skin integrity; and common problems and illnesses of the elderly;
- c. Nutrition, food preparation, and special diets - four hours;
 - d. Care of the confused residents - to include special needs of confused and agitated residents, common behavior problems, and communication skills - four hours;
 - e. Pharmacology of medications commonly prescribed for adults - to include understanding medication orders, understanding effects of commonly prescribed medications, understanding residents' need for medications, recordkeeping and documentation related to medications, communication about medications, and assisting with medications - four hours;
 - f. Care plan development - four hours;
 - g. Safety with regard to fire hazards, environmental hazards, safety codes, emergency equipment, resident safety, and evacuation plans - two hours; and
 - h. Business practices; recordkeeping; assessment, management, supervision, and evaluation of residents and staff; and documentation of residents' status - four hours;
3. Include direct hands-on care in which the trainee demonstrates skills of grooming, oral hygiene, bathing/showering, assistance with ambulation, and transfer techniques by performing these tasks on an individual while under the direct supervision of a qualified instructor;
 4. For the hands-on care portion of the training program, the instructor-to-student ratio shall not exceed 12 trainees per qualified instructor; and
 5. All training programs approved by the Board shall be made available to the general public.

Historical Note

Section R4-33-401 renumbered from R4-33-301 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-402. Eligibility for Initial Certification

- A. A person may apply for an initial adult care home manager certificate by examination pursuant to A.R.S. § 36-446.04(B) if one of the following requirements is met:
 1. The applicant has successfully completed a Board-approved adult care home manager training program; or
 2. In lieu of a Board-approved training program, the applicant may provide a certified transcript from an accredited university or college or provide other evidence of a combination of education and training which verifies a total of at least 34 hours of instruction, including a minimum of the indicated hours in the following areas: resident rights (two hours); hands-on care of elderly, disabled or physically handicapped adults (ten hours); nutrition and food preparation (four hours); caring for confused individuals (four hours); pharmacology of medications commonly prescribed for adults (four hours); care plan development (four hours); environment and fire safety (two hours); business practices and recordkeeping (four hours).
- B. The applicant shall also provide evidence of successful completion of an adult cardiopulmonary resuscitation program and a basic first-aid training program.

Historical Note

Section R4-33-402 renumbered from R4-33-302 by final

rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-403. Initial Application

- A. All applicants for adult care home manager shall submit a sworn, notarized application form supplied by the Board releasing information to the Board and identifying both the type of certificate requested and the statute under which they are applying.
- B. The applicant shall submit a "Character Certification" form from at least two persons who are not related to or in the employment of the applicant who attest to the good character of the applicant.
- C. An applicant shall submit a "Medical Certification" form completed by a licensed physician attesting to the applicant's physical and mental fitness to perform the duties of manager.
- D. Each applicant shall certify in writing that he or she has not committed any of the acts listed in A.R.S. § 36-446.07(B) or 36-448.02(B).
- E. An applicant shall complete and submit a properly sworn and notarized personal data sheet form prescribed by the Board which provides general information about the applicant, including name and address, telephone number, social security number (optional), date of birth, sex, history of any conviction of a violation of federal, state or local statutes other than for minor traffic violations, educational background, employment background, and an affidavit that the application is complete and accurate. A color photograph showing head and shoulders of the applicant shall be attached to the personal data sheet. The photograph shall not be less than 2 1/2 inches nor more than 3 inches square and shall have been taken within six months prior to the date of application.
- F. An applicant shall submit to the Board the following documents indicating the requirements of R4-33-301(A), as applicable, have been met: certified transcripts; evidence of completion of a training program; or other evidence of education and training.
- G. The completed application forms and the prescribed fees shall be received by the Board at least 45 days before the date of the next regularly scheduled examination.

Historical Note

Section R4-33-403 renumbered from R4-33-303 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-404. Examination

- A. The adult care home manager's examination shall test the applicant's knowledge of adult care home residents' needs, the laws and rules governing operation of adult care homes, and elements of good health facilities management. The minimum passing score shall be 70%.
- B. Examinations shall be administered not less than twice each year at such times and places in Arizona as may be specified by the Board.
- C. The score sheets and record of the examination shall be filed and retained by the Board for at least four years.

Historical Note

Section R4-33-404 renumbered from R4-33-304 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-405. Repealed**Historical Note**

Section R4-33-405 renumbered from R4-33-305 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999

(Supp. 99-1). Section repealed by final rulemaking at 10 A.A.R. 805, effective April 13, 2004 (Supp. 04-1).

R4-33-406. Renewal Application

- A.** All certificates, except temporary certificates, expire at midnight on June 30 of each odd-numbered year. Temporary certificates expire at midnight on the date designated on the certificate.
- B.** A certified adult care home manager seeking renewal shall submit an application for biennial renewal of certificate, accompanied by the prescribed fee, showing address and current employment, and shall submit evidence of completion of six hours of continuing education credit per year, pursuant to R4-33-308, by not later than June 1 of the renewal year. A certificate holder who received an original certificate on or after January 1 of the same year that renewal is required need only submit evidence of completion of three hours of continuing education credit.
- C.** An individual whose Arizona certificate has expired may apply for late renewal provided the following requirements are met:
 1. The certificate was not revoked pursuant to A.R.S. § 36-446.07;
 2. No more than 30 days have elapsed since the expiration of the certificate;
 3. The prescribed fees have been paid; and
 4. The applicable continuing education requirements have been met.

Historical Note

New Section R4-33-406 renumbered from R4-33-306 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-407. Standards of Conduct; Suspension or Revocation

- A.** A certified manager is responsible for the operation of any adult care home which he manages, as well as for his or her own conduct. In addition to the requirements of A.R.S. § 36-446.07(B), a manager shall adhere to the following standards.
 1. The certified adult care home manager must be knowledgeable about federal and state laws and rules applicable to the operation of adult care homes.
 2. The certified adult care home manager is prohibited from working in a home that solicits, offers, or receives any premium, rebate, or other valuable consideration to or from any person or entity, except that the certified adult care home manager may be employed in adult care homes that pay referral fees only when those adult care homes have a contract on file with private referral agencies and keep on file names of residents who were referred by such referral agencies.
 - a.** When a referral fee is paid, the certified adult care manager shall keep on file a disclosure statement signed by the competent resident, resident's representative, or resident's legal guardian upon admission indicating knowledge that the adult care home will pay a fee to the referral agency for the resident's placement into the home, and indicating that the competent resident, resident's representative, or resident's legal guardian was informed of the fee payment prior to or upon admission into the adult care home. If a referral is made to a home that has an ownership interest in the referral agency, or by a referral agency that has an ownership interest in the adult care home, the certified adult care home manager shall keep on file a disclosure statement signed by the competent resident, resident's representative, or resident's legal guardian indicating knowledge of

the relationship between the referral agency and the home prior to, or upon admission to the home.

- b.** Upon renewal of certification, the certified adult care home manager who is employed by an adult care home that pays referral fees shall provide to the Board an affidavit avowing that the above disclosure requirements have been met.

- B.** A manager who has violated the provisions of this Article as an applicant for a certificate, renewal of certificate, or late renewal of certificate or in a capacity as a manager is subject to the provisions of A.R.S. § 36-446.07 relating to suspension, revocation, or denial of a certificate.

Historical Note

Section R4-33-407 renumbered from R4-33-307 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-408. Criteria for Continuing Education

- A.** Evidence of attendance at Board-approved continuing education programs shall be submitted with the application for renewal of certificate. Continuing education credits shall be acquired during the period of the certificate but completed by May 31 prior to the renewal period.
- B.** All continuing education programs require Board approval and shall be in at least one of the following subject areas:
 1. Statutes and rules on environmental health and safety (OSHA);
 2. Principles of management, including human resources, financial accounting, marketing, development;
 3. Principles of patient care, patient rights, psychology;
 4. Therapeutic and supportive care services, nutrition, pharmacology, disease process, caring for confused residents;
 5. Community health and social resources, case management, ombudsman program;
 6. Rules governing adult care homes, Medicare, Arizona Health Care Cost Containment System.
- C.** Continuing education credits shall be awarded as follows:
 1. Programs of study - shall contain at least 25 contact hours and shall receive 25 credit hours.
 2. Seminars or workshops - one hour of credit for each contact hour.
 3. College accredited courses - 13 credit hours for each semester hour.
 4. Annual meeting of national health care organizations - three credit hours for each annual meeting attended up to a maximum of six hours per year.
 5. State association meetings affiliated with national health care organizations - one-half hour credit for each meeting up to a maximum of three hours per year.
- D.** A certificate holder who participates as an instructor in an approved program shall receive the same credit as a student.
- E.** The Board may disapprove requests for approval which have not been submitted at least 45 days prior to the commencement of a program.
- F.** Requests for approval may be submitted by individuals or sponsors in writing and shall contain at least the following information:
 1. Title of program;
 2. Sponsor: name, address and contact person;
 3. Date, time and place of program;
 4. Content and applicability to adult care home management;
 5. Credentials of qualified instructors;
 6. Number of contact hours, including a time schedule of events where possible;

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7. If an accredited college course, the number of semester hours granted;
- G. Sponsored educational program requests for approval shall be accompanied by the prescribed fee for Board review.
- H. Sponsored programs shall be submitted to the Board for reapproval prior to changes in content, instructor or hours.
- I. Continuing education programs shall be taught by qualified instructors as defined in R4-33-112(B)(9).

Historical Note

Section R4-33-408 renumbered from R4-33-308 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-409. Display of Certificate

Every person certified and employed as an adult care home manager shall display the original certificate and the current renewal certificate in a conspicuous place in the adult care home.

Historical Note

Section R4-33-409 renumbered from R4-33-309 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-410. Temporary Certificates

- A. To qualify for a temporary certificate to fill an adult care home manager position, the applicant shall have completed one of the following:
 1. 27 hours of instruction in an approved adult care home manager training program; or
 2. Be registered as a Nurse's Aide in Arizona; or
 3. Have current licensure with the State Board of Nursing.
- B. The requirements specified in R4-33-303 and R4-33-305 shall also be met.
- C. The owner or governing authority of the adult care home shall submit a letter indicating the manager position is available and that the applicant shall be engaged in the capacity of manager if the applicant is successful in obtaining a temporary certificate.
- D. Prior to the expiration of the 150-day period, the temporary certificate holder shall become certified under the terms of A.R.S. § 36-446.04(B) or discontinue as the manager of the adult care home.

Historical Note

Section R4-33-410 renumbered from R4-33-310 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-411. Denial of Certificate

Any person who has been denied a certificate or denied the right to take an examination shall be notified as provided in A.R.S. § 41-1061.

Historical Note

Section R4-33-411 renumbered from R4-33-311 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).

R4-33-412. Rehearing or Review of Decision

- A. Except as provided in subsection (G), any party in a contested case before the Board who is aggrieved by a decision rendered in such case may file with the Board, not later than ten days after service of the decision, a written request for rehearing or review of the decision which specifies the particular grounds therefor. For purposes of this rule, a decision shall be deemed to have been served when mailed by certified mail to the party at his last known residence or place of business.

- B. A request for rehearing under this rule may be amended at any time before it is ruled upon by the Board. Any party may file a response to the request within ten days after service of the request on that party. The Board may require the filing of written argument upon the issues raised in the request and may provide for oral argument.
- C. A rehearing or review of the decision may be granted for any of the following causes materially affecting the requesting party's rights:
 1. Irregularity in the administrative proceedings of the Board or its hearing officer or the prevailing party, or any order or abuse of discretion, whereby the requesting party was deprived of a fair hearing.
 2. Misconduct of the Board or its hearing officer or the prevailing party.
 3. Accident or surprise which could not have been prevented by ordinary prudence.
 4. Newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original hearing.
 5. Excessive or insufficient penalties.
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing.
 7. That the decision is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.
- E. Not later than ten days after a decision is rendered, the Board may, on its own initiative, order a rehearing or review of its decision for any reason for which it might have granted a rehearing on request of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a request for rehearing for a reason not stated in the motion. In either case the order granting such a rehearing shall specify the grounds therefor.
- F. When a request for rehearing is based upon affidavits, they shall be served with the request. An opposing party may, within ten days after such service, serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days by the Board for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
- G. If in a particular decision the Board makes specific findings that the immediate effectiveness of such decision is necessary for the immediate preservation of the public peace, health and safety and that a rehearing or review of the decision is impracticable, unnecessary or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the Board's final decisions.
- H. For purposes of this rule, the terms "contested case" and "party" shall be defined as provided in A.R.S. § 41-1001.

Historical Note

Section R4-33-412 renumbered from R4-33-312 by final rulemaking at 5 A.A.R. 423, effective January 15, 1999 (Supp. 99-1).